



**Testimony of Secretary Brian Duke, Department of Aging  
House Aging and Older Adult Services Committee  
November 19, 2013  
Elder Abuse in Pennsylvania**

Good morning, Chairman Hennessey, Chairman Samuelson, and distinguished members of the House Aging & Older Adult Services Committee. I am Secretary of Aging Brian Duke and I thank you for the opportunity to appear before you to provide information on the need to address elder abuse in Pennsylvania.

As you are aware, throughout his career as both Attorney General and now as Governor, Tom Corbett has made protecting the health and safety of older Pennsylvanians and ensuring the commonwealth's ability to continue to meet its commitment to serve their growing needs one of his priorities. As Attorney General, he created the Elder Abuse Unit to investigate and prosecute those who would prey on some of our most vulnerable elderly citizens. The Unit was also created to educate the public about senior fraud and how to avoid being victimized. As Governor, he has continued that commitment by working to secure additional funding in this year's budget to support and grow many of the programs that provide essential services, such as meals and in-home care, to our older Pennsylvanians. This funding represents the single largest investment in the Department's history. Governor Corbett also strongly supports the Department of Aging's work to protect older adults who are at risk of abuse, abandonment, neglect or exploitation.

In order to strengthen the Department's ability to protect older Pennsylvanians, one of the major goals and legislative priorities for the Department is to advocate for a comprehensive revision of the Older Adults Protective Services Act, commonly referred to as OAPSA. This Act governs the Department's provision of Protective Services through its work with the state's network of 52 Area Agencies on Aging (AAA's) which serve all of Pennsylvania's 67 counties. The Department has been working with Chairman Hennessey and the Chairman of the Senate Aging and Youth Committee, Senator Bob Mensch, to update, revise and strengthen OAPSA to better protect our older adults who are at risk.

The Department is responsible for oversight and implementation of OAPSA for individuals over the age of 60. The Department works closely with the AAAs who implement the program at the local level. Even with the tireless efforts of the Department and our partners, unfortunately there continues to be a great concern with the number of cases of elder abuse within the commonwealth. Our records indicate that in the last fiscal year, there were over 18,000 reports of abuse, and given the trends we are seeing in the commonwealth and nationally, we anticipate that this number is going to rise, not fall, in this current fiscal year. Of these 18,000 reports,

cases of neglect represent over 66% while financial exploitation represents the second most common and fastest growing category at 16% of all reports.

Since 2011, the Department has met with various organizations to discuss ways to better address elder abuse, including financial exploitation. In addition to the House and Senate, we have met with, and received comments and suggestions from, the AAAs, the Institute on Protective Services at Temple University, AARP, and our sister state agencies, including the Departments of Public Welfare, Insurance, Banking and Securities, Health, and the Pennsylvania State Police. We have also discussed ways to better address financial exploitation issues with the District Attorneys Association, Pennsylvania Bankers Association, Pennsylvania Credit Union Association, Community Bankers and the Pennsylvania Supreme Court's Elder Law and Guardianship Task Force.

Each day, the news cycle seems to provide another report of financial exploitation or abuse involving older Pennsylvanians. In the near future, we plan to release the Pennsylvania Study of Adult Financial Exploitation (SAFE) Report. Just to provide you with an example of the findings, 27 of 30 cases reviewed involve funds being removed from bank accounts via check, ATM withdrawal or debit card purchases. The average loss per case in this sample is over \$191,000. We have found that the majority of the withdrawals are made by a relative or someone with a power-of-attorney. These findings are disconcerting but sadly representative of the type of exploitation faced by a growing number of older Pennsylvanians. However, by working in partnership with our stakeholders, including financial institutions, we can advance revisions to OAPSA that can help create targeted, additional protections to help mitigate the instances where this type of exploitation can occur.

The legislative proposals will result in a comprehensive omnibus revision of the Older Adults Protective Services Act and will:

- Standardize, clarify and update definitions to make them clear and consistent throughout the law.
- Address financial exploitation by defining serious financial harm, and add a requirement for financial institutions to train their front-line staff to better recognize the signs of financial exploitation, and more clearly providing for voluntary reporting by financial institutions.
- Consolidate and standardize voluntary and mandatory reporting sections.
- Revise confidentiality provisions to allow necessary, common-sense access to information while still protecting the confidentiality of persons involved in investigations of possible abuse, abandonment or exploitation.
- Establish standards and procedures for referrals to law enforcement.
- Create greater protections for older adults by requiring all employment applicants who work at long-term care facilities to complete FBI background checks in addition to PA State Police checks.
- Address the decisions of the Pennsylvania Commonwealth Court and Pennsylvania Supreme Court, by reducing the number of offenses on the lifetime employment ban list and adding certain crimes, including *neglect of a care-dependent person* to the list.
- Refocus the role of Protective Services work within the Area Agencies on Aging in order to reduce unnecessary administrative work.

- Increase the Department's authority to pursue civil and criminal penalties for certain violations of the Act.

The Department of Aging looks forward to continuing to work with the House and Senate on the omnibus revisions to the Older Adults Protective Services Act to better protect older adults who are at risk of abuse, abandonment, neglect or exploitation.

Thank you for your time today, and I am happy to answer any questions.